



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, MAY 21, 2019**

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**SUBJECT**     **Provision of Park Land for Subdivision of Lot 2, Section 97, Sooke District, Plan 15036**

**ISSUE**

To consider provision of 5% park land or cash-in-lieu pursuant to Section 510 of the *Local Government Act (LGA)* for the proposed nine-lot subdivision of Lot 2, Section 97, Sooke District, Plan 15036 in East Sooke.

**BACKGROUND**

The nine hectare (ha) parcel is located on East Sooke Road and was recently rezoned Rural Residential 6A (RR-6A) in the Juan de Fuca Land Use Bylaw No. 2040 (Appendix 1).

The applicant has applied to subdivide the property into nine lots (Appendix 2). Phase one is for a three-lot fee-simple subdivision. Phase two would further subdivide lot 3 into seven bare land strata lots. The requirement for provision of park land or payment for parks purposes pursuant to Section 510 of the *Local Government Act (LGA)* applies to the subdivision.

The property is designated within the Steep Slopes and the Sensitive Ecosystem development permit areas in the East Sooke Official Community Plan Bylaw No. 4000. Professional reports have been submitted as part of a development permit with variance application that is required as a condition of subdivision (DV000068). Also as part of the subdivision, a covenant will be registered on title restricting alteration of vegetation within a 1.8 ha corridor.

At their meeting of March 26, 2019, the Juan de Fuca Electoral Area (JdF EA) Parks and Recreation Advisory Commission (the Commission) recommended that cash in-lieu of park land be received (Appendix 3).

**ALTERNATIVES**

*Alternative 1:*

That the Land Use Committee recommend to the CRD Board:

1. That 5% cash in lieu of park land dedication be requested pursuant to Section 510 of the *Local Government Act* for the proposed subdivision of Lot 2, Section 97, Sooke District, Plan 15036.

*Alternative 2:*

2. Refer the application back to staff for more information.

**LEGISLATIVE IMPLICATIONS**

Capital Regional District (CRD) Bylaw No. 3885 requires applications for subdivision to be made to the Juan de Fuca Community Planning office.

Section 510 of the *LGA* outlines requirements for provision of park land with respect to subdivision.

## **PUBLIC CONSULTATION IMPLICATIONS**

There are no public consultation requirements in Bylaw No. 3885 for subdivision applications. An internal review of subdivision requirements is conducted by staff and conditions are forwarded to the Provincial Approving Officer.

As the proposed subdivision requires provision of park land under Section 510 of the *LGA*, the application was referred to the JdF EA Parks and Recreation Advisory Commission. Meetings are open to the public, advertised in the local newspaper and on the CRD website.

## **LAND USE IMPLICATIONS**

Pursuant to Section 510 of the *LGA*, where a regional district provides a community parks service and an official community plan contains policies and designations respecting the location and types of future parks, the local government may determine whether the owner must provide 5% park land or cash in-lieu. Five percent of the area of the 9.32 ha subject parcel would equal approximately 0.4 ha.

If an owner is to pay money, the value of the land is based on the average market value of all land in the proposed subdivision calculated as that value would be on the date of preliminary approval of the subdivision before any works or services are installed, or a value agreed upon by the parties. Any money received for park land must be deposited in a reserve for the purpose of acquiring park lands.

The East Sooke Official Community Plan, Bylaw No. 4000, includes policies and objectives related to parks and trails. A network of parks and trails within the community is identified; however, the area around the subject property is not specifically referenced.

The JdF EA Community Parks Strategic Plan, 2010, identifies broad acquisition objectives for community parks and establishes that although park dedications are preferred to cash-in-lieu, it may be more appropriate to seek cash-in-lieu in marginal locations. Park acquisition policies and selection criteria are also outlined in the Strategic Plan.

Seagirt Ponds Community Park is adjacent to the subject property across East Sooke Road. East Sooke Regional Park is located approximately 1 km south. The property is an older second growth forest ecosystem and the steep terrain is challenging for trail construction. Natural features of the site will be protected through issuance of a development permit and through the covenant restricting disturbance in a 1.8 ha area.

The Commission considered subdivision application SU000699 and SU000700 at its meeting of March 29, 2019 (Appendix 3) and passed the following motion:

**MOVED** by Commissioner Braunschweig, **SECONDED** by Commissioner Sielopp that the Commission supports subdivision of Lot 2, Section 97, Sooke District, Plan 15036 with the protection of the wildlife corridor secured through a multi-party covenant and that the requirement for park land dedication in accordance with Section 510 of the *Local Government Act*, for proposed subdivision of Lot 2, Section 97, Sooke District, Plan 15036 (SU000699/SU000700), be received in the form of cash-in-lieu.

**CARRIED**

Staff support acceptance of cash in-lieu of park land dedication as recommended by the Commission.

## **CONCLUSION**

The applicant proposes to subdivide the 9 ha property on East Sooke Road into nine lots. The JdF EA Parks and Recreation Advisory Commission reconsidered the application on March 29, 2019, and recommends accepting 5% cash in-lieu of park land pursuant to Section 510 of the *LGA*.

## **RECOMMENDATION**

That the Land Use Committee recommend to the CRD Board:

That 5% cash in lieu of park land dedication be requested pursuant to Section 510 of the *Local Government Act* for the proposed subdivision of Lot 2, Section 97, Sooke District, Plan 15036.

Submitted by:	Emma Taylor, MA, MCIP, RPP, Planner
Concurrence:	Iain Lawrence, MCIP, RPP, Manager, Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ET:wm

### Attachments:

- Appendix 1. Subject Property Map
- Appendix 2. Plan of Subdivision
- Appendix 3. Commission Minutes March 29, 2019